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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE ALBA,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

23-CV-8619 (LAK) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

By order dated January 3, 2025 (Dkt. 87), the Hon. Lewis A. Kaplan, United States District Judge, granted defendants' motions (Dkts. 50, 54) to dismiss plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), denied plaintiff's motion (Dkt. 64) for leave to further amend, but permitted plaintiff to renew that motion, on specified conditions, by January 24, 2025. On January 24, 2025, plaintiff timely filed his motion for leave to further amend his complaint. Six days later, plaintiff filed a letter-motion (Dkt. 94) seeking permission to commence discovery concerning his proposed claims for unconstitutional conditions of confinement at Rikers Island while his motion to amend remains pending. On January 31, 2025, defendants filed an opposition letter-brief (Dkt. 95), in which they also seek an extension of their time to respond to the motion for leave to further amend, and represent that plaintiff has consented to the extension. Later that day, plaintiff filed a reply letter-brief (Dkt. 96), suggesting that discovery should be permitted as to all of plaintiffs' proposed claims, not just those alleging unconstitutional conditions of confinement at Rikers Island.

After careful review of the parties' submissions, the Court DENIES plaintiff's motion for pre-amendment, pre-answer discovery for substantially the reasons set forth in defendants' opposition letter.

The Court GRANTS defendants' unopposed request for an extension of time to file their papers in opposition to plaintiff's motion for leave to further amend. Defendants' opposition papers are due no later than **February 14, 2025**. Plaintiff's reply papers are due no later than **February 21, 2025**.

Dated: New York, New York
February 3, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge